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National Security and International Affairs Division

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April 19, 2000

The Honorable Benjamin A. Gilman Chairman, Committee on International Relations House of Representatives

Subject: Foreign Assistance: U.S. Response to Transnational Crime Involving Sub-Saharan Africa

Dear Mr. Chairman:

This letter responds to your concern about the proliferation of transnational crime involving countries in sub-Saharan Africa. Transnational crime involves committing a criminal act that is perpetrated across national borders and typically includes trafficking in narcotics, weapons, persons, and illegal commodities; money laundering; financial fraud; or counterfeiting. According to the Departments of Justice and State, growth in transnational crime involving sub-Saharan African countries may threaten the U.S. goal to integrate Africa into the world economy by discouraging foreign investment and encouraging the corruption of government officials.

As you requested, we have summarized the main types of activities that U.S. agencies, such as the Departments of State, Justice, and Treasury, and the U.S. Agencyfor International Development, have undertaken to address transnational crime involving sub-Saharan Africa and their efforts to enhance anticrime coordination among U.S. agencies.

RESULTS IN BRIEF

The Departments of State, Justice, and Treasury, the U.S. Agency for International Development, and other federal agencies are involved in responding to transnational crime involving sub-Saharan Africa. The U.S.' approach in this region, which is similar to that being used in the rest of the world, is composed of four key efforts: (1) providing training and technical assistance to strengthen the legal, judicial, and law enforcement reform efforts in sub-Saharan Africa; (2) adding to the U.S. law enforcement presence in sub-Saharan Africa; (3) increasing U.S. cooperation with sub-Saharan African governments and organizations; and (4) participating in

Sub-Saharan Africa consists of the 47 countries in Africa south of the Saharan Desert.

multilateral initiatives aimed at combating transnational crime in sub-Saharan Africa. In response to a 1995 Presidential Decision Directive, U.S. agencies, particularly the Departments of State, Justice, and Treasury, are taking steps to enhance their coordination on transnational crime through joint discussions of worldwide law enforcement priorities and the development of a unified strategy to combat Nigerian criminal organizations.

BACKGROUND

While there are limited data on the incidence of transnational crime involving sub-Saharan Africa, according to the Departments of State and Justice as well as international organizations like INTERPOL and the United Nations, transnational crime is proliferating in the region. For example, in its year 2000 International Narcotics Control Strategy, the State Department reported that Nigeria is the hub of narcotics trafficking in Africa, noting that Nigerian criminal organizations operate extensive global trafficking networks and control the sub-Saharan drug markets. At the Eighth Annual International Nigerian Crime Conference held in Washington, D.C, in November 1999, the Secret Service reported that Nigerian traffickers now account for as much as 30 percent of the heroin seized at American ports. Transnational white-collar crimes involving sub-Saharan Africans are also prevalent. According to the State Department, Americans lose up to \$2 billion per year to sub-Saharan African-based white-collar crime syndicates, mostly from financial schemes including insurance, credit card, and "advance fee" fraud schemes. At least one American has been murdered in connection with an advance fee fraud scheme, according to the State Department. The illegal trafficking of commodities, like diamonds, from sub-Saharan Africa is also a significant problem. A recent report by aU.N. Security Council committee³ pointed to diamond smuggling by Angolan rebels as a major source of funding for their insurgency.

U.S. AGENCIES FOCUS ON FOUR MAIN ACTIVITIES TO COMBAT TRANSNATIONAL CRIME INVOLVING SUB-SAHARAN AFRICA

The overall U.S. response to transnational crime is guided by two documents. The first document, the *International Crime Control Strategy*, which the White House issued in May 1998, provides a comprehensive national strategy to combat crime worldwide and reduce its impact on Americans. Presidential Decision Directive 42, dated October 21, 1995, among other things encouraged U.S. government agencies to intensify their international crime-fighting efforts. According to the State

²According to an official from the Secret Service, Americans lose at least \$100 million a year to advance fee fraud. These schemes, mainly perpetrated by Nigerians and their accomplices, vary in approach and method but share common characteristics—an unsolicited proposal is sent to someone unknown by the perpetrator, emphasizing the urgency and confidentiality of what is in reality a nefarious and bogus scheme and requiring the victim to pay various bogus government and legal fees and taxes before receiving a nonexistent commission.

³Letter dated March 10, 2000, from the Chairman of the Security Council Committee concerning the situation in Angola addressed to the President of the Security Council.

Department's Bureau for International Narcotics and Law Enforcement Affairs, 11 agencies have been given transnational anticrime and drug control responsibilities by statute or, in some cases, by the authority of the Director of the Office of National Drug Control Policy. While many U.S. agencies have a role in U.S. efforts to combat transnational crime, according to the Bureau the agencies considered key in assisting African governments and law enforcement agencies to respond are the Departments of State, Justice, and Treasury; the U.S. Agency for International Development; and their associated agencies, offices, and bureaus, such as the Drug Enforcement Administration and the Customs Service. These agencies are involved in four types of activities to combat transnational crime in sub-Saharan Africa:

- providing training and technical assistance,
- increasing the U.S. law enforcement presence,
- increasing bilateral cooperation with sub-Saharan governments and organizations, and
- supporting international cooperation.

Providing Training and Technical Assistance

One key effort of the U.S. response to transnational crime involving sub-Saharan Africa is to provide training and technical assistance to sub-Saharan African governments and law enforcement organizations. U.S. agencies focus their training and technical assistance on strengthening the "rule of law" in sub-Saharan Africa, which includes supporting legal, judicial, and law enforcement reform efforts. A total of \$146 million was spent on these activities during the period 1993 through1998, primarily by USAID and the Departments of Justice and State. (See the app. for U.S. funding for rule of law programs in sub-Saharan Africa and the world.) State Department officials said that these systems are a priority because without effective law enforcement or fair and impartial legal and judicial systems, government and law enforcement institutions lose credibility, and transnational criminal organizations can operate with impunity.

⁴The Bureau for International Narcotics and Law Enforcement Affairs advises the President, the Secretary of State, and other U.S. government agencies on the development of policies and programs to combat international narcotics trafficking and crime. It implements programs to enhance the institutional capabilities of foreign governments to combat the abuse of illicit drugs and counter transnational crime. It also funds and coordinates U.S. international training and technical assistance.

⁵The 11 agencies are the Departments of State, Justice, Treasury, Defense, and Agriculture; the U.S. Coast Guard; the U.S. Agency for International Development (USAID); the Central Intelligence Agency; the U.S. Information Agency; the National Institute on Drug Abuse; and the Office of National Drug Control Policy.

⁶Other associated agencies, offices, and bureaus include State's Bureau of International Narcotics and Law Enforcement Affairs, Bureau for Africa, and Diplomatic Security Service; Justice's Federal Bureau of Investigation (FBI), Immigration and Naturalization Service, and U.S. Marshals Service; and Treasury's U.S. Secret Service and Internal Revenue Service.

The following are examples of training and technical assistance targeted to sub-Saharan Africa.

- Department of Justice: The Justice Department's international training and technical assistance activities seek to enhance the overall police and investigative capabilities of foreign law enforcement organizations and to improve the judicial and prosecutorial functions of foreign criminal justice institutions. The Department has several programs in the sub-Saharan region. For example, in South Africa, assistance is being provided to the National Directorate of Public Prosecution to support effective implementation of the Prevention of Organized Crime Act by government prosecutors and to develop a professional criminal investigative division. The Department also helped create and develop the South African Independent Complaints Directorate, which handles citizens' complaints against the police.
- Drug Enforcement Administration: The Drug Enforcement Administration's major training and technical assistance initiative in sub-Saharan Africa is to develop a Vetted Unit Program in Nigeria. The Vetted Unit Program was begun in 1996 and trains foreign police worldwide for participation in special host-country investigative and intelligence collection units. The agency comprehensively screens, or "vets" potential participants and then trains them with the objective of enhancing their professionalism and creating an atmosphere of trust between the police and the agency's agents working in partnership with the unit. The Drug Enforcement Administration also provides support for office space, equipment, and salary supplements. The vetted units around the world are funded at approximately \$20 million per year. The agency hopes to have the unit in Nigeria operational by the summer of the year 2000.
- U.S. Secret Service: The Secret Service provides training primarily in skills to combat financial crimes and counterfeiting. The focus of its training efforts in sub-Saharan Africa is on Nigeria and South Africa. It is providing in-depth training to the Nigerian police, covering topics from basic investigative techniques to forensic examination of computers to retrieve electronic evidence. In January 1999, the Secret Service started rotating two agents at a time on 30-day temporary duty assignments to Nigeria to participate in enforcement operations with the Nigerian police. It also provides training to South African law enforcement and industry, for example, on uncovering financial fraud.
- U.S. Agency for International Development The agency provides training and technical assistance to improve the capabilities of judges, prosecutors, and public defenders. In conjunction with the Department of Justice and with the State Department's Bureau for International Narcotics and Law Enforcement Affairs, USAID is currently planning a major new criminal justice initiative in South Africa. This program would work to strengthen the country's capability to prosecute and adjudicate cases.
- *U.S. Customs Service*: The Customs Service provides training to help sub-Saharan African counterparts improve their capacity to handle illegal contraband at

borders and airports. A comprehensive training initiative to improve airport security is currently underway with Nigeria. Training takes place in Nigeria and the United States and covers airport security, corruption, aircraft and cargo inspection, and risk profiling.

- Federal Bureau of Investigation: The FBI conducts 1 and 2 week courses overseas that concentrate on teaching police operations and technical skills. The FBI has been providing police training to the South African police since 1997 in the areas of corruption, leadership and management, and techniques to fight organized crime and financial fraud.
- U.S. Immigration and Naturalization Service The agency trains its sub-Saharan African counterparts in the operation of secure ports of entry (land/sea/air) systems and programs, including document fraud and the interception of inadmissible aliens. Together with the Customs Service and the Department of State's Passport Services, the Immigration and Naturalization Service conducted an assessment of Nigeria's border operations in March 1999 and made recommendations for improvements.

A number of U.S. agencies, including the Customs Service, the Drug Enforcement Administration, and the Immigration and Naturalization Service, also participate in the administration's Safe Skies for Africa Initiative that aims to promote sustainable improvements in aviation safety and security in sub-Saharan Africa. An important part of this program is upgrading airport security so that criminals cannot move in and out of countries without detection or freely conduct their activities, like smuggling. Countries selected to participate receive focused assistance over a 3-year period, beginning with an initial on-site assessment. The first eight countries selected were Angola, Cameroon, Cape Verde, Ivory Coast, Kenya, Mali, Tanzania, and Zimbabwe. Kenya and Tanzania have received initial assessments of their airport operations.

The Department of State is working with the government of Botswana to establish an International Law Enforcement Academy for the southern Africa region. The Academy will provide criminal justice training sponsored by U.S. and foreign law enforcement. U.S. officials hope to begin operations by the fall of 2000. In addition to providing the benefits of training, International Law Enforcement Academies are intended to promote networking and improved relations between U.S. and foreign law enforcement counterparts.

Increasing U.S. Law Enforcement Presence

The United States has increased its law enforcement presence in sub-Saharan Africa Following Presidential Decision Directive 42 which directed law enforcement

⁷Academies are currently established in Bangkok, Thailand, and Budapest, Hungary. According to the Bureau of International Narcotics and Law Enforcement Affairs, the United States contributes about \$2 million a year to operate each individual International law Enforcement Academy.

⁸Officials plan for classes to begin next fall at a temporary facility. A facility to house the Academy on the grounds of the Botswana Police Academy will not be ready until next year.

agencies to intensify their activities overseas, several agencies have opened offices in sub-Saharan Africa. For example, the FBI, the Drug Enforcement Administration, and the Customs Service opened offices in Pretoria, South Africa, in 1997, and the Secret Service did so in 1999. (See table 1 for examples of key agency staffing in sub-Saharan Africa.) Offices typically cover multiple countries. The Customs Service office in South Africa, for example, also covers the countries of Botswana, Lesotho, Madagascar, Mauritius, Mozambique, Namibia, Swaziland, and Zimbabwe. The activities of the full-time staff in these offices range from coordinating or conducting training and technical assistance activities to supporting ongoing investigations.

Table 1: Staffing of Key Law Enforcement Agencies Offices in Sub-Saharan Africa, as of January 2000

		Full-time	Year office
Agency	Location	U.S. agents	opened
Customs	Pretoria, South Africa	3 agents	1997
DEA	Lagos, Nigeria	3 agents	1987
	Pretoria, South Africa	2 agents	1997
FBI	Lagos, Nigeria	2 agents	1999
	Pretoria, South Africa	1 agent	1997
INS	Accra, Ghana	3 agents	1997
	Johannesburg, South	2 agents	1996
	Africa		
	Nairobi, Kenya	3 agents	1998
Secret Service	Pretoria, South Africa	1 agent	1999

Legend:

DEA=Drug Enforcement Agency

INS=Immigration and Naturalization Service

Sources: Customs Service, Drug Enforcement Administration, FBI, Immigration and Naturalization Service, Secret Service.

<u>Increasing Bilateral Cooperation With Sub-Saharan</u>
African Governments and Organizations

A third element of U.S. efforts to combat transnational crime involving sub-Saharan Africa involves seeking improved cooperation with governments, law enforcement intelligence communities, and other organizations in Africa to address transnational crime, especially crime directed at Americans. According to the Director of the Office of International Affairs at the Justice Department, sub-Saharan Africa is crucial to U.S. antiterrorism efforts, and strengthening law enforcement relations is an important aspect of those efforts.

One U.S. initiative to strengthen relations is to update and draft new extradition and mutual legal assistance treaties with countries in sub-Saharan Africa. Justice Department officials said that finding and prosecuting members of African criminal

groups who commit crimes in the United States and flee home to Africa is often difficult because of the absence or age of extradition treaties (older treaties do not cover many crimes). While the President's 1998 International Crime Control Strategy states that international extradition treaties are one of the most effective mechanisms to obtain the return of fugitives, the United States only has extradition treaties with 15 sub-Saharan African countries out of a total of 47. In addition, many of the treaties are outdated and do not cover crimes that have emerged in more recent years, such as money laundering. Treaties with 13 of the 15 countries were signed before 1940.

The United States is also developing mutual legal assistance treaties with countries in sub-Saharan Africa. These treaties will enable the United States to obtain needed evidence, such as financial records and witness statements, for criminal investigations and prosecutions. Currently, the United States has developed mutual legal assistance treaties with two sub-Saharan African countries, South Africa and Nigeria. However, neither one has been ratified.

The United States is also working through binational forums, such as the U.S.-South Africa Binational Commission[®] and the U.S.-Southern Africa Development Community Forum, ¹⁰ to improve cooperation with sub-Saharan African governments in addressing transnational crime. At the first U.S.-Southern Africa Development Community Forum in April 1999, the Social and Transborder Issues Working Group (1) agreed to support creating an International Law Enforcement Academy in Botswana for southern Africa, (2) proposed training for the southern Africa regional police organization, and (3) supported holding a conference for the Southern Africa Development Community on the advantages and possibilities of creating a regional mutual legal assistance treaty. The U.S.-South Africa Binational Commission's Justice and Anti-Crime Cooperation Committee, co-chaired by the U.S. Attorney General, established a number of goals in February 1999, including completion of an extradition and mutual legal assistance treaty between South Africa and the United States. These treaties were signed in September 1999.

Supporting International Cooperation

The fourth component of the U.S. response to combat transnational crime involving sub-Saharan Africa is to support international cooperation. The United States has been involved in the following transnational crime in sub-Saharan Africa:

• In the summer of 1999, the Joint European Union/U.S. Drug Control Assessment of Nigeria examined Nigeria's needs for improvement in a broad range of drug-related areas. The team made 13 recommendations, ranging from a suggestion that Nigeria improve the interdiction efforts by its Customs Service (Nigeria's

⁹The Commission was inaugurated in March 1995 with the goal of strengthening the bilateral relationship between the two countries.

¹⁰The Forum was created to enhance relations between the United States and members of the Southern Africa Development Community. The Community is an organization representing 14 nations in southern Africa that promotes regional integration.

19,000 Customs Service employees reported no drug seizures in 1998 and only 1 in 1999) to a proposal that antidrug programs should include a juvenile component.

- The United States, Great Britain, and other donors are supporting a small arms moratorium in West Africa that imposed a renewable 3-year ban on the manufacture, import, and export of small arms within the region.
- With U.S. assistance, the United Nations African Institute for Prevention of Crime and Treatment of Offenders is drafting agreements that will be applicable across the continent on mutual legal assistance and extradition and is developing anticorruption and anti-arms-trafficking programs.

Other U.S. and multilateral efforts that are not specific to sub-Saharan Africa but that can help countries in the region combat crime include the following:

- The Financial Action Task Force on Money Laundering developed recommendations that set out the basic framework for anti-money-laundering efforts. They cover the criminal justice system and law enforcement, the financial system and its regulation, and international cooperation. For example, one recommendation is that each country should criminalize money laundering as set forth in the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.
- The Group of Eight's¹² Senior Expert's Group on Transnational Organized Crime wrote and is implementing 40 recommendations that focus on practical, legal, and operational issues that affect law enforcement, promote law enforcement capabilities and cooperation between member states, and suggest steps that all nations can take to meet the global challenge of transnational organized crime. For example, the experts developed centralized points of contact that can be used for a more effective and immediate exchange of information on persons who operate alien smuggling networks.
- The United Nations is drafting a convention on transnational organized crime, to be completed in the year 2000. The convention would cover a variety of issues including trafficking in persons and corruption.

ENHANCING COORDINATION AMONG U.S. AGENCIES

U.S. agencies are taking steps to enhance their coordination to more effectively combat transnational crime worldwide. They also have an effort specifically targeted to improving coordination of activities to fight Nigerian crime groups that operate in the United States.

¹¹The Financial Action Task Force is an intergovernmental body of 26 nations and 2 international organizations. The recommendations were originally developed in 1990 and subsequently revised in 1996.

¹²The Group of Eight, consisting of the heads of state of the United States, Great Britain, Canada, France, Germany, Italy, Japan, and Russia, meets annually to address the major economic and political issues facing their nations and the international community.

Guiding Documents

Two documents guide the overall U.S. response to transnational crime and provide a framework for coordinating U.S. efforts. Presidential Decision Directive 42 encouraged U.S. government agencies to intensify their international crime-fighting efforts, to improve coordination, and to work more closely with other governments. Also, the President's 1998 International Crime Control Strategy, provided U.S. agencies with a framework for integrating all facets of the federal government response to international crime and is intended to enhance their ability to cooperate effectively with their overseas counterparts.

In addition, in July 1999, the Department of Justice publishedits *Map of the World Report*. This document articulates the agency's international law enforcement priorities by region, including sub-Saharan Africa. The document resulted from a March 1998 meeting between the Attorney General and the Secretary of State, who agreed that the Departments of Justice and State, and USAID, should collaborate more closely in formulating and directing training and assistance policies and programs. According to the Justice Department, the document was a catalyst for a recent series of meetings between the Departments of Justice, State, and Treasury, and USAID to discuss long-term planning priorities and objectives for justice and law enforcement assistance. The ultimate goal is to develop a systematic interagency strategic planning process. The Treasury Department plansto publish a *Map of the World* for the agency by the summer of the year 2000.

Fighting Nigerian Criminal Organizations

Another mechanism to improve coordination among U.S. agencies was the development of a unified U.S. strategy to combat Nigerian criminal organizations. Beginning in September 1996, the Departments of Justice, State, and Treasury, and other law enforcement agencies, began to develop a strategy that targets both domestic and international Nigerian criminal activity and emphasizes increased coordination of U.S. law enforcement, enhanced cooperation with foreign law enforcement, and improved coordination and dialogue with the government of Nigeria. Representatives from all federal law enforcement agencies¹³ formed an interagency working group. The group's objectives are to develop policies and operational plans to address Nigerian criminal enterprises, adopt a budget for sharing the funding of the initiative, and to share case information on the Department of Defense's Defense Information System Agency's Anti-Drug Network. In April 1998, the Attorney General approved the working group's recommendation to establish 12 Interagency Nigerian Organized Crime Task Forces in cities most affected by Nigerian crime and in places where the Secret Service's Nigerian task forces already existed, such as New York. During 1999, the Defense Department's antidrug network became operational in the headquarters of each of the participating agencies, as well

¹³Agencies include the Secret Service, FBI, Drug Enforcement Administration, Immigration and Naturalization Service, Customs Service, U.S. Marshals Service, Postal Inspection Service, Internal Revenue Service, Diplomatic Security Service, the Financial Crimes Enforcement Network, and the National Drug Intelligence Center, as well as the Departments of State and Defense and the intelligence community and federal prosecutors.

as in the five initial task force cities and in Accra, Ghana, and Lagos, Nigeria. The Nigerian Organized Crime Task Forces are currently active inNew York, New York; Newark, New Jersey; Houston, Texas; Chicago, Illinois; and, Atlanta, Georgia.¹⁴

AGENCY COMMENTS

We obtained oral comments from the State Department, the Department of Justice, the FBI, the Drug Enforcement Administration, the Immigration and Naturalization Service, the Secret Service, the Customs Service, and USAID. The agencies generally agreed with the information presented, and the Department of Justice, the FBI, the Immigration and Naturalization Service, the Secret Service, and USAID provided clarifications and/or additional information that we incorporated as appropriate.

SCOPE AND METHODOLOGY

To identify the main activities U.S. agencies are undertaking to respond to transnational crime involving sub-Saharan Africa, we interviewed senior officials and reviewed documentation related to programs to combat crime in sub-Saharan Africa from the Department of State, including the Bureau of International Narcotics and Law Enforcement Affairs and the Offices of Southern Africa and West Africa Affairs; the Department of Justice, including the International Criminal Investigative Training Assistance Program and the Office of Overseas Prosecutorial Development, Assistance, and Training; the Drug Enforcement Administration; the Federal Bureau of Investigation; the U.S. Customs Service; the Immigration and Naturalization Service; USAID; the Secret Service; and the International Criminal Police Organization. We also obtained expenditure data on training and technical assistance activities from USAID and the National Institutes of Justice for fiscal year 1999, and the Bureau of International Narcotics and Law Enforcement Affairs for fiscal years 1997 through 1999. We reviewed various U.N. documents, including the 1998 World Bank study, Trends in Private Investment in Developing Countries and Perceived Obstacles to Doing Business, and various other reports, papers, and journal articles on transnational crime in sub-Saharan Africa.

We conducted our work from November 1999 through March 2000 in accordance with generally accepted government auditing standards.

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We are sending copies of this report to interested congressional Committees; the Honorable Madeleine Albright, Secretary of State; the Honorable Janet Reno, Attorney General; the Honorable J. Brady Anderson, Administrator of USAID; the Honorable Raymond W. Kelly, Commissioner of Customs; and Mr. Brian Stafford, Director of the Secret Service. Copies will be made available to others on request.

¹⁴The antidrug network and the task forces will become operational in Dallas, Texas; Washington D.C.; and Baltimore, Maryland, in the next few months.

Please contact me at (202) 512-4128 if you or your staff have any questions concerning this letter. Key contributors to this assignment were Lynne Holloway, Aleta Hancock, and Tom Zingale.

Sincerely yours,

Jess T. Ford, Associate Director

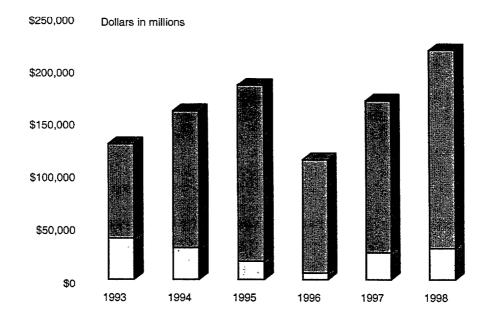
International Relations and Trade Issues

APPENDIX I APPENDIX I

RULE OF LAW SPENDING FOR SUB-SAHARAN AFRICA

From 1993 through 1998, U.S. agencies—primarily the U.S. Agency for International Development (USAID) and the Departments of Justice and State—spent \$146 million of rule of law programs in 45 countries in sub-Saharan Africa that supported the legal, judicial and law enforcement reform efforts undertaken by national governments. Funding worldwide for rule of law programs increased from \$128 million to \$217 million during the period 1993 through 1998; however, funding for sub-Saharan Africa declined by \$9 million during these years. (See fig. 1.)

FIGURE 1: U.S. Rule of Law Funding for Sub-Saharan Africa and the World, 1993 through 1998



Source: Foreign Assistance: rule of Law Funding Worldwide for fiscal Years 1993-1998 (GAO/NSIAD-99-158, June 30, 1999).

While a number of U.S. agencies implement rule of law programs, USAID and State's Bureau of International Narcotics and Law Enforcement Affairs generally fund the programs. In fiscal year 1999, USAID spent \$35 million for rule of law programs in sub-Saharan Africa, which represented less than a third of USAID's worldwide total of \$129 million for such activities. State's Bureau for International Narcotics and Law Enforcement Affairs spent \$5.9 million in sub-Saharan Africa in fiscal year 1999 (10 percent of its worldwide total of \$56.5 million), up from \$972,000 in 1997.

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